



News Release

National Labor Relations Board

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NLRB grants review and invites briefs in cases involving voluntary recognition agreements and successor employers

The National Labor Relations Board, in 3-to-2 decisions, has granted review and invited interested parties to file briefs in two sets of cases that question when a labor union's support among employees can be challenged.

One set of cases ([*Rite Aid Store #6473*](#) and *Lamons Gasket Co.*) asks the newly-constituted Board to reconsider the 2007 decision in *Dana Corp.*, 351 NLRB 434. In that decision, the Board majority held that when an employer agrees to voluntarily recognize a union based on signed authorization cards, it must post a notice advising the employees that they have a right, within 45 days of the notice, to file a petition for an election to decertify the union or in support of a rival union, if they so desire. If the notice is not posted, the union and employer may not later claim that their contract bars a petition by a rival union or for decertification.

The second set of cases ([*UGL-UNICCO Service Company*](#) and *Grocery Haulers, Inc.*) seeks review of the Board's 2002 decision in *MV Transportation*, 337 NLRB 770, on the duties of a successor employer – one that takes over its predecessor's business and hires primarily from its workforce – toward an incumbent union. *MV Transportation* held that the employer's obligation to recognize and bargain can be challenged by the employer, employees, or a rival union.

The *MV Transportation* decision in turn reversed the Board's 1999 decision in *St. Elizabeth Manor, Inc.* 329 NLRB 341, which held that an incumbent union is entitled to a reasonable period of time for bargaining without challenge to its status. This was known as the "successor bar doctrine."

The invitations to file briefs, with questions to be addressed by briefing parties, can be found [here](#) and [here](#).

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

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